



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

Mailed: 8/15/05

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Paper Number: _____

In re application of
Koch et al.

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Serial No. 10/009,831

Filed: May 16, 2003

For: Supported Catalyst For Olefin Polymerization

DECISION ON
PETITION

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This is a response to the PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT, filed May 3, 2005 and supplementally on July 18, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of April 18, 2005 for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed December 1, 2004, be withdrawn. The petitioner asserts that the Notice of Allowability and Notice of Allowance and Issue Fee Due mailed December 1, 2004 were not received by the applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by the petitioner. The evidence provided includes a statement by the petitioner that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice of Allowability and Notice of Allowance and Issue Fee Due mailed December 1, 2004 were not received. Also provided is a copy of the docket record of Applicant's attorney, where the Notice of



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Allowability and Notice of Allowance and Issue Fee Due would have been posted had it been timely received.

Therefore, the Notice of Abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is GRANTED.

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